

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 19, 2010

**D055334     People v. Hernandez**

The judgment is affirmed as to the convictions. The judgment is reversed as to the sentence and the case remanded for resentencing. The trial court should stay the sentence on one of the two convictions for firearm possession by a felon. The court should impose a sentence for the Mendez incident consecutive to a sentence for the Franco incident. For each of the remaining convictions, the court should exercise its discretion to select consecutive or concurrent sentences. In all other respects, the sentence was proper. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D055973     People v. Arellano**

The judgment is affirmed.  
Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D056450     People v. Davis**

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D056824     People v. Duvall**

The order granting Duvall's motion for a new trial is affirmed.  
McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

**D057314     In re Cunningham on Habeas Corpus**

The petition is denied.

**D056019     Melsh v. West/Donan/Draves Pipeline, Inc.**

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

**D056933     People v. Wilson**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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July 20, 2010

- D056274     People v. Acosta**  
The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D056375     Pointe SDMU v. Spolin Silverman & Cohen**  
Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.
- D055088     People v. Busser**  
The portion of the restitution order requiring Busser to reimburse GEICO \$7,003.81 for the repair costs arising out of the hit and run accident is reversed.  
Huffman, Acting P.J., Nares, J.; O'Rourke, J.
- D057639     Alvarado v. Superior Court of San Diego County/City of Oceanside**  
The petition is denied.
- D055225     Tarte et al v. City of Poway**  
The opinion filed on June 21, 2010, is ordered modified (no change in judgment).  
The petition for rehearing is denied.
- D057692     Birse v. The Superior Court of San Diego County/Edlund**  
The petition is denied.
- D057397     In re Young on Habeas Corpus**  
The denial of a petition for writ within the court's original jurisdiction without issuance of an alternative writ or order to show cause is final in that court when filed." (Cal. Rules of Court, rule 8.490(b)(1).) This court summarily denied petition No. D057397 on June 24, 2010. The court no longer has authority to modify the order. (Rule 8.264(c)(1).) The petition for rehearing is denied.
- D055838     People v. Fisher**  
The judgment of conviction is affirmed.  
Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D057610     In re Solis on Habeas Corpus**  
The petition is denied.

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- D056616     In re Kevin H., a Juvenile**  
The judgment is affirmed.  
O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.
- D057472     Farzanfar v. San Diego Transportation Services Cooperative, Inc., et al.**  
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.
- D056514     In re D.N., a Juvenile**  
**D057141     In re D.N. on Habeas Corpus**  
The pending petition for writ of habeas corpus, In re D.N., D057141, is consolidated with the pending appeal, In re D.N., D056514, for disposition.
- D056514     In re D.N., a Juvenile**  
**D057141     In re D.N. on Habeas Corpus**  
The judgment is affirmed. The petition is denied.  
Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.
- D055200     County of San Diego v. Gorham**  
The order denying Gorham's motions is reversed. On remand, the trial court is directed to dismiss this action in accordance with this opinion. Each side to bear their own costs on appeal. CERTIFIED FOR PUBLICATION.  
Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.
- D054179     People v. Myers**  
The court is directed to amend the abstract of judgment to strike the \$5,000 parole revocation fine (§ 1202.45) and to forward a copy of the amended abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.  
Benke, Acting P.J.; We Concur: Nares, J., Aaron, J.
- D057320     In re Hartnell on Habeas Corpus**  
The petition is denied.
- D054899     Vidal v. Mentor Corporation**  
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D057633     In re Baker on Habeas Corpus**  
The petition is denied. The request for judicial notice filed on July 6, 2010, is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 21, 2010 (Continued)

- D057725    People v. Superior Court of San Diego County/Delgado**  
The petition is denied.
- D057394    Commercial Casualty Insurance Company v. Workers Compensation Appeals Board and Montgomery**  
The petition is denied. Montgomery's request for attorney fees is denied.
- D057653    Simon Wong Engineering, Inc. v. Superior Court of San Diego County/Partners**  
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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July 22, 2010

- D057747     Nelson v. The Superior Court of San Diego County/San Diego County District Attorney**  
The petition is denied.
- D055297     In re Marriage of Shapiro**  
The petition for rehearing is denied.
- D057613     In re Popescu on Habeas Corpus**  
The petition is denied.
- D057704     Hamilton v. Superior Court of San Diego County/People**  
At the request of petitioner, the petition for writ of mandate is dismissed.
- D055477     Carson v. Michaels Stores, Inc.**  
The judgment is affirmed. Michaels shall recover its costs on appeal.  
Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.
- D055296     In re Marriage of Parga**  
The order denying William's OSC seeking to terminate support is affirmed.  
Lucretia shall recover her costs on appeal.  
Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D056221     In re Marquis P., a Juvenile**  
The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.
- D056662     People v. Belcher**  
The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

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DIVISION ONE  
July 23, 2010

**D056169     In re Quinn M., a Juvenile**

**D056187     In re Levi A., a Juvenile**

(Consolidated cases) The orders are affirmed.

Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.